

### **REMARKS**

Entry of this Amendment and reconsideration in view of the remarks made herein are respectfully requested.

Claims 1-3, 6-10, 12, 16 and 18-25 are pending and stand rejected.

The Office Action refers to 37CFR 1.77(b) as providing that the specification of a utility application should include section headings.

Applicant again respectfully submits that 37 CFR §1.77(b) discloses a *suggested* format for the arrangement of the disclosure and submits that the present disclosure follows the suggested format where applicable, without headings. With regard to 37 CFR§1.77(c), which was not cited in the Office Action, applicant submits that section headings are suggested but not required, as 37 CFR §1.77(c) clearly states the sections defined in paragraphs (b) (1) through (b) (11) “should” be preceded by a section heading. Applicant respectfully declines to amend the disclosure to include the suggested headings at this time.

Claims 1-3, 6-10, 12-16, 18-22, 24 and 25 stand rejected under 35 USC 102(e) as being anticipated by Inoue (USP no. 6,496,896).

In maintaining the rejection of the claims for the same reasons recited in the prior Office Action, the instant Office Action further refers to column 17, lines 35-46 as “FIGS. 6A to 6I illustrate an example of data when they are outputted from the terrestrial station 101 and transmitted to the satellite 102. It is to be noted that, as described hereinabove, the various data shown ... are actually in a time base multiplexed state. Further, as seen in FIG 6A, an event occurs within a period for time t1 to time t2 and another event occurs after time t2....” (see instant OA, page 9).

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims and reasserts, as if in full, herein, the arguments presented in applicant's Response to the prior Office Action and presents further arguments, herein, to show why the cited sections of the Inoue reference fail to disclose the noted elements of the claims.

With regard to Figs. 6A-6I, Inoue discloses the multiplexing of data among multiple channels during their transmission. More specifically, MPEG2 audio +video material A1 is transmitted (Fig. 6A) during interval t1 to t2 and material A2 is transmitted after t2. Similarly, MPEG Audio material B1 is repeatedly transmitted during interval t1 to t2 and material B2 is repeatedly transmitted during interval beginning at t2 (Fig. 6B).

However, these figures represent the transmission of the material to a satellite system. Inoue is totally silent as to the period when the material A1, A2, B1, and/or B2 is valid. Rather Inoue teaches that these materials are transmitted during these time periods.

Assuming that the reference to Fig. 6A is to show that during this transmission period, the transmitted materials are valid, such an assumption would teach against providing an indicator indicating the period of validity. In such a case, the transmission of the signal itself would indicate the period of validity without any further indicator being needed. Hence, assuming that validity is determined by transmission, Inoue fails to teach that an indicator is provided indicating the interval in which the material is valid.

A claim is anticipated only if each and every element recited therein is expressly or inherently described in a single prior art reference. Inoue cannot be said to anticipate the present invention because Inoue fails to disclose each and every element recited.

Applicant submits that the reason for the rejection of claim 1, for example, has been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claim.

With regard to claim 22, this claim recites a system for implementing the method recited in claim 1 and was rejected for the same reason used in rejecting claim 1. Thus, the remarks made in response to the rejection of claim 1 are also applicable in response to the rejection of claim 22. For the remarks made with regard to the rejection of claim 1, which are reasserted, as if in full, herein, in response to the rejection of claim 22, applicant submits that the reason for rejecting this claim has also been overcome and the rejection can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

With regard to the remaining rejected claims, these claims ultimately depend from the independent claims 1 and 22, which have been shown to contain subject matter not

disclosed by, and allowable over, the reference cited. Accordingly, these claims are also allowable by virtue of their dependency from an allowable base claim.

Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

Claim 23 stands rejected under 35 USC 103(a) as being unpatentable over Inoue in view of the Applicant's admitted prior art and also stands rejected as being unpatentable over Inoue in view of Ferguson (USP no. 6,052,555).

Applicant respectfully disagrees with, and explicitly traverses, the reason for rejecting the claims.

Claim 23 depends from claim 22, which has been shown to include subject matter not disclosed by the primary reference (Inoue). Hence, the combination of Inoue and the admitted prior art or Ferguson fails to recite the subject matter claimed in claim 22, from which claim 23 depends, as the admitted prior art or Ferguson provides no teaching to correct this deficiency.


Accordingly, the invention recited in claim 23 is not rendered obvious by the teachings of the cited references, as the device resulting from the combination of the cited reference fails to recite all the elements claimed in independent claim 22 and, consequently, dependent claim 23.

Applicant respectfully requests withdrawal of the rejection and allowance of the claim.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,  
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Date: May 1, 2006

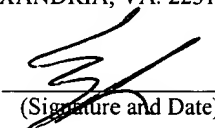
  
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